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November 11, 2015

Via Email

Honorable Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

USDC SDNY  
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Re: Garber, et al. v. Office of the Commissioner of Baseball, et al., 12-cv-3704 (SAS)

Dear Judge Scheindlin,

I write concerning a scheduling issue for trial in the above matter. I am to be one of the lead lawyers at trial for plaintiffs. I am adjunct Professor of Law at the University of Pennsylvania and had committed to teach the primary antitrust course at the law school in the spring semester long before the trial was scheduled. I have spoken with the relevant deans and cannot cancel the course, which begins a week before trial. Classes meet from 9:00 a.m. to 10:20 a.m. Tuesdays and Thursdays.

I have conferred with defense counsel who have kindly consented to a proposal that we begin trial one day each week at 1:30 p.m. —Tuesday or, and much preferably, Thursday. This would allow me to teach one lecture a week and to make up the rest of the classes in the weeks after trial. If practicable, plaintiffs will also try to present deposition testimony on the mornings I would not be there, so that, hopefully, the interruption would be ameliorated.

I much appreciate anything Your Honor can do to help with regard to this scheduling conflict. It is the first time in many years of teaching that a conflict like this has arisen.

cc: All counsel

Respectfully,

Howard Langer

To Ordered:

11/12/15